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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Kladders, H. et al) Art Unit: 3743
U.S. Appln. No. : 10/757,346)
Confirmation No. : 3492
U.S. Filing Date : 01/14/2004
Title of Invention : Powder Inhaler
Attny. Docket No.: 1/1447

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

July 7, 2004

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A and B) with copies of all references cited therein. This is being submitted pursuant to 37 C.F.R. §1.56 and before the mailing of a first Office Action on the merits, pursuant to 37 CFR § 1.97(b).

It should be noted that the references listed in the Information Disclosure Statement have been cited in the International Search Report (ISR) for PCT/EP 03/14692, which corresponds to the present US application. A copy of that ISR is enclosed herewith.

1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

A statement as specified in 37 C.F.R. §1.97(e) [see below]; or

- The fee set forth in 37 C.F.R. §1.17(p).
- The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

- 1.97(e).
- Each item of information contained in the instant information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the instant information disclosure statement; or
- No item of information contained in the instant information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the instant information disclosure statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the filing of the instant information disclosure statement.
- The fee set forth in 37 C.F.R. §1.17(p).

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1.704(d). Each item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the filing of the accompanying information disclosure statement.

The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

Triplicate copies of this form are enclosed.

Respectfully submitted,

Andrea Small
Andrea D. Small
Attorney for Applicant(s)
Reg. No. 54,859

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road, P.O. Box 368
Ridgefield, CT 06877
Tel: (203) 798-4816

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on July 7, 2004.

Andrea Small
Andrea D. Small, Reg. No. 54,859



JUL 09 2006

Substitute for form 1449A/RTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

PTO/SB/08a (08-03)

Complete if Known

| | |
|------------------------|-------------------|
| Application Number | 10/757,346 |
| Filing Date | 01/14/2004 |
| First Named Inventor | Heinrich KLADDERS |
| Art Unit | 3743 |
| Examiner Name | |
| Attorney Docket Number | 1/1447 |

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ² |
|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
| <i>AB</i> | DE 100 29 694 A1 | | 12/20/2001 | BASF AG | | |

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/08b (08-03)

Approved for use through 06/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | <i>Application Number</i> | 10/757,346 |
| | | | | <i>Filing Date</i> | 01/14/2004 |
| | | | | <i>First Named Inventor</i> | Heinrich KLADDERS |
| | | | | <i>Art Unit</i> | 3743 |
| | | | | <i>Examiner Name</i> | |
| <i>(Use as many sheets as necessary)</i> | | | | | |
| Sheet | 2 | of | 2 | Attorney Docket Number | 1/1447 |

NON PATENT LITERATURE DOCUMENTS

| SEARCHED - EXAMINED - DOCUMENT | | | | |
|--------------------------------|-----------------------|---|--|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | T ² |
| <i>AB</i> | | Abstract DE 100 29 694 | | |

| | | | |
|--------------------|---|-----------------|---------|
| Examiner Signature |  | Date Considered | 1/07/06 |
|--------------------|---|-----------------|---------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

I Applicant's unique claim designation numbers (opcodes). **L** Applicant is to place a check mark here if Right-to-Reply is requested. **R** Requester's name and address. This collection of information is required by 37 CFR 1.97 and 1.88. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. Appln. No. : To Be Accorded) Examiner:
Confirmation No. : To Be Accorded
U.S. Filing Date : 01/14/2004
Title of Invention : Powder inhaler
Attny. Docket No.: 1/1447

Mail Stop Patent Application
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

January 14, 2004

TRANSMITTAL LETTER FOR INFORMATION DISCLOSURE STATEMENT

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) under 37 C.F.R. §§1.56 and 1.97, with copies of all non-US patents, except DE3274065 (equivalent US 4,524,769 listed), and publications, as more specifically described hereinbelow.

1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 33 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first Office action on the merits; or iv) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

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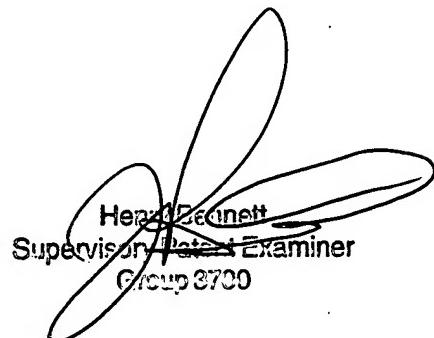
Triplicate copies of this form are enclosed.

Respectfully submitted,



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Reg. No. 34,513

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Date: January 14, 2004



Henry J. Bennett
Supervisory Patent Examiner
Group 3700

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STATEMENT BY APPLICANT**

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Sheet

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of

4

Application Number

To Be Assigned

Filing Date

01/14/2004

First Named Inventor

Heinrich KLADDERS

Art Unit

Examiner Name

Attorney Docket Number

1/1447

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|--|--------------------------------|--|--|
| | | Number-Kind Code ² (if known) | | | |
| <i>AB</i> | | US- 4,524,769 | 06/25/1985 | Wetterlin, K. I. L. | XR:DE3274065 |
| | | US- 4,069,819 | 01/24/1978 | Valentini, L. et al | |
| | | US- 4,627,432 | 12/09/1986 | Newell, R. E. et al | |
| | | US- 4,778,054 | 10/18/1988 | Newell, R. E. et al | |
| | | US- 6,378,519 | 04/30/2002 | Davies, M. B. et al | |
| | | US- 5,590,645 | 01/07/1997 | Davies, M. B. et al | |
| | | US- 5,860,419 | 01/19/1999 | Davies, M. B. et al | |
| | | US- 5,873,360 | 02/23/1999 | Davies, M. B. et al | |
| | | US- 6,032,666 | 03/07/2000 | Davies, M. B. et al | |
| | | US- 2002/0053344 A1 | 05/09/2002 | Davies, M. B. et al | |
| | | US- 2002/0066451 A1 | 06/06/2002 | Davies, M. B. et al | |
| <i>AB</i> | | US- 4,524,769 | 06/25/1985 | Wetterlin, K. I. L. | |
| | | US- | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T* |
|--------------------|-----------------------|---|--------------------------------|--|---|----|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
| <i>AB</i> | | WO 91/02558 A1 | 03/07/1991 | BI Int'l GmbH, et al | | |
| | | EP 1 100 474 B1 | 07/17/2002 | BI Pharma KG | | |
| | | DE 33 45 722 A1 | 06/27/1985 | BI KG | | |
| <i>AB</i> | | DE 33 48 370 C2 | 10/11/2001 | Glaxo Group Ltd. | | |
| | | DE 33 36 486 A1 | 04/26/1984 | Glaxo Group Ltd. | | |

Examiner Signature

Andrew Bessin

Date Considered

1/07/06

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language translation is attached.

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Sheet

2

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| | |
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| Application Number | To Be Assigned |
| Filing Date | 01/14/2004 |
| First Named Inventor | Heinrich KLADDERS |
| Art Unit | |
| Examiner Name | |
| Attorney Docket Number | 1/1447 |

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------|---|---|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Country Code ² Number ⁴ Kind Code ³ (if known) | | | |
| <i>[Signature]</i> | EP 0 911 047 | | 04/28/1999 | BI Pharma KG | |
| | DE 20114878 | | 05/02/2002 | Spaeth, B. | |
| | DE 4106379 | | 09/05/1991 | Glaxo Group Ltd. | |
| <i>[Signature]</i> | DE 3274065 Corresponding US 4,524,769 provided above. | | | | |
| <i>[Signature]</i> | WO 93/18811 A1 (EP633972) | | 09/30/1993 | Barthlott, W. | |

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Sheet

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| Application Number | To Be Assigned |
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| Examiner Name | |
| Attorney Docket Number | 1/1447 |

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|--------------------------|-----------|---|--------------------------------|--|---|
| Examiner Initials* | Cite No.* | Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (# known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| <i>CB</i> <i>AB</i> | | WO 96/04123 A1 (EP 772 514) | 0w2/15/1996 | Barthlott, W. | |
| | | FR 2.146.202 | 03/02/1973 | ISF SPA | |
| | | | | | |
| | | | | | |
| | | | | | |

Examiner Signature *Andrew Brini* **Date Considered** *1/07/06*

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| | | | | <i>Application Number</i> | To Be Assigned |
| | | | | <i>Filing Date</i> | 01/14/2004 |
| | | | | <i>First Named Inventor</i> | Heinrich KLADDERS |
| | | | | <i>Art Unit</i> | |
| | | | | <i>Examiner Name</i> | |
| Sheet | 4 | of | 4 | Attorney Docket Number | 1/1447 |

| NON PATENT LITERATURE DOCUMENTS | | | | | | |
|---------------------------------|-----------------------|---|--|--|--|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | | | T ² |
| <i>ABZ</i> | | Abstract DE 3 345 722: WPIDS 1985-160068 | | | | |
| | | Abstract DE 19835346: CA 132:141964 | | | | |
| | | Abstract DE 4318455: WPIDS 1995-014986 | | | | |
| | | Abstract DE 3927170: WPIDS 1991-058894 | | | | |
| | | Abstract FR 2,146,202: WPIDS 1972-64013T | | | | |
| <i>ABZ</i> | | Abstract DE20114878: Derwent 2002-418363/45 | | | | |

| | | | |
|--------------------|--------------------|-----------------|----------------|
| Examiner Signature | <i>Andrew Burn</i> | Date Considered | <i>1/07/06</i> |
|--------------------|--------------------|-----------------|----------------|

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